# **GLOBAL CROSS-BORDER B2C E-COMMERCE** 2014

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# **Global Cross-Border B2C E-Commerce 2014**

# **General Information**

## **Product Details**

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Covered Countries/Regions: Global, North America, Latin America, Europe, Asia, Oceania, Middle East,

> Africa, USA, Canada, Brazil, Argentina, Mexico, Germany, Austria, UK, France, Belgium, Italy, Spain, Russia, Estonia, Poland, Turkey, Ukraine, Sweden, Norway, Japan, South Korea, China, India, Malaysia, Singapore,

South Africa, Morocco

## **Prices**

Single User License: € 3,450 (excl. VAT)

Site License: € 5,175 (excl. VAT)

Global Site License: € 6,900 (excl. VAT)

# **Questions Answered in This Report**

- How large is the global cross-border B2C E-Commerce market?
- Who are the global leaders by cross-border B2C E-Commerce exports and imports?
- How many people buy from foreign online shops in various countries?
- What are major issues in cross-border B2C E-Commerce delivery and payments?
- How to choose the right internationalization strategy in cross-border B2C E-Commerce?



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# Global Cross-Border B2C E-Commerce 2014

# **Key Findings (1 of 2)**

# Online shopping across borders offers growth opportunities

The worldwide leaders in B2C E-Commerce exports are the USA, the UK, Germany, the Nordic nations, the Netherlands and France. Together their online retail cross-border exports are forecasted to top EUR 100 billion by 2020. Within these top countries, the most intensive cross-border B2C E-Commerce trade flow is between the USA and the UK. The top six countries in online retail imports are the USA, the UK, Germany, Brazil, China and Australia. The largest importer of them all was China in 2013, followed by the USA. Put together, online shoppers from these markets are expected be purchasing several hundred billion EUR annually within a few years.

The leading cross-border E-Commerce companies have varying strategies to reach consumers worldwide. Amazon and eBay offer shipment to most countries with some restriction on items available for global delivery. Net-a-Porter, iHerb and Zooplus sell worldwide from central locations, while Asos and Book Depository offer free worldwide shipments on their products. Others, such as Zalando and Glossybox sell only to markets where they have local operations. While strategies vary, across all Internet vendors, the leading product categories in B2C E-Commerce are fashion, health and beauty products, and personal electronics.

Though the exact value estimates differ, the USA is undoubtedly one of the largest markets worldwide for cross-border B2C E-Commerce, both in terms of exports and imports. The countries most purchased from by online shoppers in the USA are the UK and China. Online exports especially hit a peak each Cyber Weekend. In neighboring Canada, a third of online shoppers purchase from US websites and some also purchase from Asian websites, motivated by cheaper prices and wider product selection

In the fast growing Latin American B2C E-Commerce market, cross-border online shopping plays a significant role. In countries where domestic B2C E-Commerce is underdeveloped such as Colombia, Paraguay and Venezuela the majority of online purchases are cross-border. In Brazil, the number of cross-border online shoppers is forecasted to reach almost ten millions by 2018, with expenditure growing annually by almost a half. The number of online shoppers in Argentina purchasing from foreign websites doubled in 2013, however, the country's authorities placed regulatory restrictions on cross-border trade in January 2014.

Cross-border B2C E-Commerce thrives in Europe, supported by initiatives of the lawmakers in creating a single online retail infrastructure and regulation. More than a quarter of online shoppers in the EU have made purchases from other EU countries, with this share being higher in the Euro area. The UK was the most popular destination for cross-border online shopping among European online shoppers purchasing abroad in 2013, followed by Germany and France.

Germany is the one of the most active countries worldwide both in import and export B2C E-Commerce. Of the selected European countries, cross-border B2C E-Commerce from Germany was the most popular in the Nordics and in France. On the other hand, the top destinations for cross-border online shoppers in Germany were the UK, the USA and China in 2013. In neighboring Austria over 70% of total online shoppers purchased outside their country in 2013, a percentage significantly higher than the EU average.



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# **Global Cross-Border B2C E-Commerce 2014**

# **Key Findings (2 of 2)**

# Online shopping across borders offers growth opportunities

The UK is among the biggest cross-border B2C E-Commerce exporters worldwide, supported by the popularity of British brands around the world and wide use of the English language. On the side of imports, only a small double-digit share of online shoppers in the UK buy from online retailers in other European countries, while the USA, China and Hong Kong are more popular destinations. In other Western European nations, cross-border online shopping from the UK, Germany and the USA is popular in France, while also a quarter of online stores in France shipped internationally, supported by international demand for French fashion and beauty brands. In Italy, tourism, fashion and food were the leading categories of B2C exports, while imports were dominated by discount flight purchases.

In Eastern Europe, cross-border online shopping is a growing trend in Russia. The cross-border B2C E-Commerce sales of goods to Russia were estimated to more than double in 2013, while traffic to top international ecommerce websites by Russian users almost quadrupled. Over 10% of online shoppers in Poland purchased from foreign online shops. The value of international E-Commerce transactions made in Turkey reached over EUR 1 billion in 2013, growing by a third year-on-year.

Of selected Asian-Pacific countries, Singapore had the highest estimated share of cross-border B2C E-Commerce in 2013, followed by Malaysia. Consumers worldwide make cross-border purchases from Japan, while also close to a fifth of online shoppers in Japan buy products online abroad. Buying directly from overseas online shops is a growing trend for online shoppers in South Korea. The largest segment of the cross-border B2C E-Commerce in China is import, but exports are growing as legislation improves. Cross-border B2C E-Commerce development in India is aided by the large number of English speakers and the interest of international companies.

Cross-border B2C E-Commerce in the Middle East and North Africa is growing by a high double-digit percentage number annually, aided by various services that assist shoppers in cross-border services. The USA accounted for a third of the cross-border B2C E-Commerce made by online shoppers in the MENA region.



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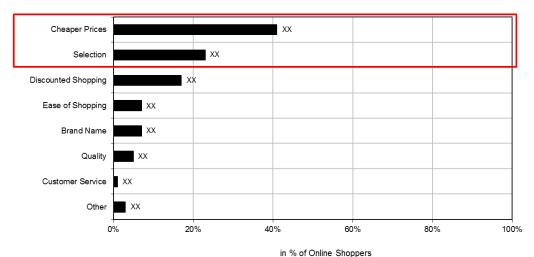
# **Samples**

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As of January 2014, top reasons for online shoppers in Canada to buy from foreign online merchants were "Cheaper Prices" and "Selection".

Canada: Top Reasons for Shopping from Foreign Online Shops, in % of Online Shoppers, January 2014



Source: to be disclosed in the original document

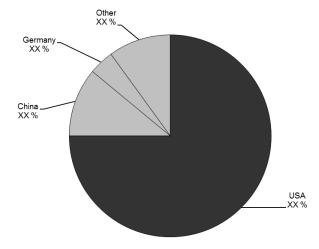
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# The USA accounted for XX% of cross-border B2C E-Commerce purchases made by online shoppers in South Korea in 2013.

South Korea: Breakdown of Cross-Border B2C E-Commerce Purchases\*, by Country of Origin, in %, 2013



Definition: to be disclosed in the original document



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# **Global Cross-Border B2C E-Commerce 2014**

# **Methodology**

## **General Methodology of our Market Reports:**

- This report includes the results of secondary market research: By using various sources we ensure maximum objectivity for all obtained data. As a result companies get a precise and unbiased impression of the market situation.
- Cross referencing of data was conducted in order to ensure validity and reliability.
- Besides providing information on the specific topic, every chart contains an Action Title, which summarizes the main statement of the chart and a Sub Title, which gives information about the country, the topic, the unit or currency, and the time period the data on the chart refers to.
- Furthermore, the source of information and its release date are provided on every chart. It is possible that the information included in one chart is derived from several sources. Then, all sources are mentioned on the chart.
- This report also includes rankings. Within these rankings, it is possible that the total amount adds up to more than 100%. If this is the case, multiple answers were possible, and this is then mentioned in the note of the chart.
- If available, additional information about the data collection, for example the time of survey and number of people asked, is provided in the form of a note. In some cases, the note (also) contains additional information needed to fully understand the contents of the respective data.
- When providing information about amounts of money, local currencies were mostly used. When referencing them in the Action Title, the EUR values are also provided in brackets. The conversions are always made using the average currency exchange rate for the respective time period. Should the currency figure be in the future, the average exchange rate of the past 12 months is used.
- This report includes mainly data from the last 12 months. The exact publication dates are mentioned in every chart.

### Methodology for our Global Cross-Border report:

- This report covers the global cross-border B2C E-Commerce market.
- It contains a Management Summary, summarizing the main information provided in each chapter.
- The second chapter of this report covers global development, including general cross-border B2C E-Commerce market overview, cross-border B2C E-Commerce payments and delivery, values of B2C E-Commerce exports and imports, as well as rankings of top B2C E-Commerce exporting and importing countries and player overviews.
- The following chapters provide information on cross-border B2C E-Commerce in the countries by regions. In each chapter, regional development is presented first, where available, and further charts cover individual countries.
- The top country or countries in terms of B2C E-Commerce sales are presented after the regional charts, with a market overview provided on the first chart, including information about players and the consequent charts presenting information about cross-border B2C E-Commerce exports and imports, where available, such as sales, shares on total B2C E-Commerce, cross-border online shopper penetration, most countries purchased from, countries most imported to and most popular product categories.
- Other selected countries in the region are presented in alphabetical order. The scope of the presented data for each country varies by data availability.





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# **Global Cross-Border B2C E-Commerce 2014**

# **Frequently Asked Questions**

### WHAT IS THE TARGET AUDIENCE FOR THE MARKET **REPORTS?**

The target group of our B2C E-Commerce reports are decision makers in top-management, for example from the departments E-Commerce, Business Development, Strategy, Marketing, etc. from large corporations worldwide.

## WHAT TYPE OF RESEARCHERS ARE FINDING THE INFORMATION FOR OUR MARKET REPORTS?

yStats.com employs multilingual researchers that research and filter all sources and translate the relevant information into English. This ensures that the content of the original sources is correctly interpreted.

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### WHAT SOURCES ARE USED FOR THE MARKET **REPORTS?**

The reports are all based on reliable sources including national and international statistical offices, industry and trade associations, business reports, business and company databases, journals, company registries, news portals and many other sources.

## WHAT TYPE OF ANALYSTS ARE WRITING THE **MARKET REPORTS?**

After the information is researched, it is further analyzed by our international team of research analysts. These analysts have a long experience in the field of E-Commerce research, and they understand the specifications of the market.

## IS THE INFORMATION IN THE MARKET REPORTS **COMPARABLE FROM COUNTRY TO COUNTRY?**

Due to the fact that the information included in the market reports is derived from different sources, some information is not comparable across countries. Different sources mostly have different definitions.

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An invoice issued by yStats.com can be paid either by bank transfer or by PayPal. Bank transfer usually takes a few working days, while with PayPal, the money is transferred immediately.

## REGARDING THE TIMING, WHEN WILL AN UPDATE OF A MARKET REPORT BE PUBLISHED?

In general, the market reports are published on a yearly basis. For further information, please take a look at the report overview, which includes a list of the reports we plan to publish in 2014. If you would like to be informed as soon as the update is published, please inform us.

## I HAVE A RESEARCH REQUEST THAT CANNOT BE ANSWERED THROUGH THE MARKET REPORTS. ARE THERE ANY FURTHER PRODUCTS?

If you require further information, we also offer "Customized Research" on all sectors and countries worldwide. After a detailed briefing, we conduct pre-research and provide potential customers with an offer.

### DO YOU OFFER AN ANNUAL SUBSCRIPTIO OF THE **MARKET REPORTS?**

Yes. Our product "Full Access Global E-Commerce Reports" gives customers access to all our E-Commerce market reports. Furthermore, access to all the market reports we publish during the subscription period is guaranteed.



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# **Global Cross-Border B2C E-Commerce 2014**

# **Quotes of our Customers**

Travis Witteveen

Chief Operating Officer - Markets and Operations Avira GmbH: Leading European Software Company

"As a company that operates on a global level, the research results that yStats.com provides represent significant added benefit for us. The comprehensive analyses are executed quickly and flexibly.

Furthermore, they are a reliable resource for helping us to make strategic decisions."

Iris Stöckl

Director Investor and Public Relations Wirecard AG: Leading E-Banking Company

"The flexibility that yStats.com offers ensures that we always receive analyses, data and reports that match our needs. Fast, objective and to the point!" Steve Rotter

Vice President of Marketing

Brightcove, Inc.: Leading Online Video Company

"yStats.com quickly and flexibly compiles the information we require. Regardless of whether we need local or transnational data, we always get the best results from yStats.com!"

Dr. Marcus Ackermann Member of the Executive Board Bonprix: Leading Online Shopping Company

"When we need the latest trends and statistics on the retail, homeshopping and e-commerce market, we turn to yStats.com. yStats.com turns the data into concise information that is objective and reliable. yStats.com delivers a cost-efficient and time saving research service for our company

# **Selected References**

# Internet, Consulting, Retail, Finance and Other Companies

### Internet

- Google
- Amazon
- eBay
- Avira
- Skype
- Digital River
- First Data
- Citrix Online
- Wirecard
- 1 & 1
- Skrill / Moneybookers
- Deutsche Telekom
- CyberSource
- bwin Interactive Entertainment
- Brightcove

## Consulting

- **Boston Consulting Group**
- Deloitte
- Bain & Company
- Accenture

### Retail

- OTTO Group
- Costco
- Tchibo Direct
- Diesel

### **Finance**

- Goldman Sachs
- Credit Suisse
- Morgan Stanley
- Bank of America Merrill Lynch
- Citigroup
- Oppenheimer & Co.

## Other

- Red Bull
- **BASF**
- Lego
- Beiersdorf
- Xerox



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# **Global Cross-Border B2C E-Commerce 2014**

# **Published Selected Reports**

Report	Publication Date	Price (excl. VAT)*
Global M-Commerce 2014: Smartphones & Tablets	March 2014	€ 3,450
Global Online Gaming Market 2014	February 2014	€ 2,950
Global Mobile Gaming Market 2014	February 2014	€ 1,950
Global Clothing B2C E-Commerce Report 2013	July 2013	€ 3,950
Global Online Payment Methods 2013 - Second Half 2013	November 2013	€ 3,950
Global Online Payment Methods 2013 - First Half 2013	April 2013	€ 4,450
Global B2C E-Commerce and Online Payment Report 2013	May 2013	€ 6,450
MENA B2C E-Commerce Report 2014	January 2014	€ 2,950
Africa B2C E-Commerce Report 2013	December 2013	€ 2,450
Latin America B2C E-Commerce Report 2013	November 2013	€ 2,450
Europe B2C E-Commerce Report 2013	September 2013	€ 3,950
Asia B2C E-Commerce Report 2013	February 2013	€ 4,450
*Single User License		

# **Future Reports**

Report	Planned Date	Price (excl. VAT)
Global Online Payment: First Half 2014	First Half 2014	To be announced
Global Alternative Payments 2014	First Half 2014	To be announced
Global B2C E-Commerce Delivery 2014	First Half 2014	To be announced
Global Online & Mobile Banking 2014	Second Half 2014	To be announced
Global Online Payment: Second Half 2014	Second Half 2014	To be announced
Global B2C E-Commerce 2014: Emerging Markets	Second Half 2014	To be announced
Global B2C E-Commerce 2014: Mature Markets	Second Half 2014	To be announced
Global Clothing B2C E-Commerce Market 2014	Second Half 2014	To be announced



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# **Global Cross-Border B2C E-Commerce 2014**

# **Report Order Form**

PLACE YOUR ORDER AS FOLLOWS					
Call us at + 49 40 39 90 68 50					
Fax us at + 49 40 39 90 68 51 using the form below					
Scan and Email us at order@ystats.com using the form below					
CHOOSE YOUR LICENSE TYPE AND REPO	RTS				
Please confirm the license type you require:					
Single User License	Site Licens	e <sup>1</sup>	Global Site License <sup>2</sup>		
Report Title	Publication Date		Price (€)		
AN INVOICE WILL BE SENT TO YOUR SO	MDANY DI FACE COMPLETE	VOLID CONTACT DETAIL			
AN INVOICE WILL BE SENT TO YOUR CO	MPANY. PLEASE COMPLETE		its.		
Title: Mr/Mrs/Ms		First Name			
Last Name					
Job Title					
Company					
Email Address					
Telephone Number					
Fax Number					
Address					
City	ity		State/Province		
Country	ountry		Post Code/ZIP		
Your Order is subject to our Terms & Condition All Forms must have a signature to confirm y					
Signature					
Where did you find us?	EU Companies				
☐ Google/Search Engine	must supply VAT No				
Google Adwords/Online Advertising	Purchase Order No				
Article in Trade Journal	(if required)				
Press Release	Order Date				
Social Media	Nata Panarta are receided:	strania DDE fares (Chate	1) Cita Licanaca alleurina all usana mithia a abusa a		
☐ Recommendation	Note: Reports are provided in ele- will contact you in the future to p other mailings. If you do not wish other mailings, you may advise us	rovide our free newsletter or	Site Licenses, allowing all users within a given geographical location of an organization to access the report, are available for double the price.     Global Site Licenses, allowing all worldwide users of an organization.		



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# **Global Cross-Border B2C E-Commerce 2014**

# TERMS AND CONDITIONS

### SCOPE

- The following terms and conditions apply to our entire contract (the "Contract") between yStats.com GmbH & Co. KG (hereinafter also referred to as "we" or "us") with our customers regarding (i) research services, (ii) the purchase of reports, and (iii) any other contracts between us and our customers executed by reference to these terms and conditions (any reports and other services and products which we may make available to the customer under a Contract hereinafter the "Products").
- 1.2 Any terms and conditions of our customers are hereby expressly rejected. Agreements contrary to these terms and conditions require our written confirmation. In case of deviations between these terms and conditions and the contents of the Order Forms, the contents of the Order Form shall prevail.

### OFFERS, ORDERS

- With respect to research services, we usually submit an offer to the customer in the form of a "Research Order Form" accompanied with a proposal stating the nature of the issue to be researched, the services to be rendered, the time required for the study and the fee due.
- 2.2 With respect to the purchase of reports, we usually submit an offer to the customer in the form of a "Report Order Form" accompanied with product brochure stating the contents of the report and the fee due. In this respect, our customers may chose between two types of Products, namely (i) our Product "Market Reports" and (ii) our Product "Full Access Global E-Commerce Reports".
- 2.3 If a customer orders our Product "Market Reports", the customer gets access to the ordered report as identified in the Report Order Form and the customer may use that report in accordance with Section 4.3 below and the other provisions of the Contract.
- 2.4 If a customer orders our Product "Full Access Global E-Commerce Reports", the customer gets access to any standard reports (for the avoidance of doubt excluding reports published in connection with any research services) focussed on the "Internet & E-Commerce" industry as generally published by us during the twelve (12) months prior to the execution of the Contract and during the subscription term as identified in the "Report Order Form" as of the date of the execution of the Contract (i.e. one, two or three years), and the customer may use those reports as a "Global Site License" in accordance with Section 4.3 below and the other provisions of the Contract.
- 2.5 Unless expressly agreed otherwise in writing, the contents of our offers may not be made available in whole or in part to any third party outside the organization of the customer without our prior written consent.
- Our offers are not binding and subject to change without notice until acceptance by the out orders are not binding and subject to change without notice and acceptance by the customer. A valid acceptance requires the execution of our "Research Order Form" or our "Report Order Form" respectively (each such document hereinafter the "Order Form") by a duly authorized representative of the customer and the submission of the Order Form to us via facsimile or email with pdf-attachment. We will provide the customer with the access data required to access the ordered Product(s) with two (2) days as of the execution of the Contract.

### TERMS OF PAYMENT

- The contractually negotiated prices are to be derived exclusively from the Order Form and/or the documents referenced therein. 3.1
- All prices are net and without transportation costs, if applicable. Value Added Tax, if applicable, at the statutory rate shall be added to all fees payable hereunder.
- 3.3 We may demand an additional fee for services that go beyond the scope as agreed under the Order Form in case such additional Products are requested by the customer.
   3.4 We will send our invoice to the customer upon execution of the Contract, unless agreed
- otherwise in the Order Form. In the event that the customer orders our Product "Full Access Global E-Commerce Reports", we will send our invoice for the first contract year upon execution of the Contract and the invoice(s) for any subsequent contract year(s), if any, upon commencement of any subsequent contract year.
- All payments shall be due and payable within thirty (30) days following the date of our invoice without any deductions. The customer will be in default one day after the expiry date
- without any further warning notice being required.
  All customers' rights of retention or set-off are hereby excluded to the extent that they are not based on the same contractual relationship. Retentions or set-offs are allowed only if the customer's claim is nondisputed or has become unappeasable.
- In the event of a customer's default in payment or other apparent credit unworthiness, all remaining claims against that customer shall become immediately due and payable in full. We shall then be entitled to rescind payment terms previously agreed upon and to demand payment in advance or other appropriate security with respect to pending deliveries. A customer shall be deemed unworthy of credit in particular when he files a petition in bankruptcy or composition proceedings.

### INTELLECTUAL PROPERTY RIGHTS AND INDEMNITIES

- 4.1 All copyrights and other intellectual property rights in connection with our Products remain with us. All data carriers remain our property. The customer may not modify, publish, transmit, transfer or sell, reproduce, create derivative works from, distribute, perform, display, or in any way exploit any of the Products made available by us, in whole or in part, except as expressly permitted under the Contract.
- 4.2 Upon delivery of the Products to the customer and payment of the agreed fee, the customer obtains a non-exclusive, non-transferable, perpetual, worldwide right to use the Products provided to the customer for its internal purposes or any additional purposes set out in the Order Form. A right to resell our Products requires our prior written approval.

  4.3 In the event that the parties agree on a "Single User License" under the Order Form, this
- means that only one individually named user of an organization shall be entitled to access the report. In the event that the parties agree on a "Site License" under the Order Form, this means that all users within a given geographical location (as specified in the Order Form) of an organization shall be entitled to access the report. In the event that the parties agree on a "Global Site License", this means that all worldwide users of an organization shall be

- entitled to access the report. In both cases, the term "organization" refers to the company of the specific customer only and excludes any third parties including affiliates. We must expressly be named as the author of any data the customer processes further as
- contractually negotiated.

### TECHNICAL INFORMATION

- We shall provide our Products in standardized data formats.

  The customer must ensure that he has the corresponding technical resources to make use of these data. The customer may not derive any claims in this connection on grounds of breach of obligation.

### **DEFECTS AS TO QUALITY**

- No claims for defects as to quality are triggered by insignificant discrepancies between our products and services and the warranted quality or fitness for use.
- Likewise, no claims for defects as to quality may be derived from entrepreneurial risks e.g., with regard to questions of entrepreneurial discretion, an erroneous assessment of the market situation or the failure to recognize a business action's merit.

  Defect-based claims are further excluded in cases of excessive or improper use or in connec-
- tion with damages caused by extraordinary conditions not reflected in the Order Form. This is also true in cases of subsequent changes made by the customers or third parties unless such changes do not affect the analysis and removal of a given defect.
- Claims for defects as to quality expire within one year from the commencement of the legal statute of limitation. This limitation does not apply to the extent that applicable law stipulates a longer period in cases of intentional or grossly negligent breaches of duty on the part of us, fraudulent concealment of a defect and injuries to life, body and health.
- Claims for damages and the reimbursement of expenditures are further subject to Section 8.

#### LEGAL DEFECTS

- We are liable for products and services infringing on third-party rights only if and to the extent that our products and services are used in accordance with the agreed contractual
- Unless agreed otherwise, our liability for the infringement on third-party rights is limited to the territory of the European Union and the European Economic Area as well as the place of its services' proper use as agreed under the applicable Order.
- In the event that a third party asserts claims against the customer, alleging that a service performed by us violates its rights, the customer shall promptly notify us. If a service rendered by us violates thirdparty rights, we shall choose one of the below actions, duly taking into consideration the customer's interests:
  - a) procuring for the customer the right to use the service;
  - b) revising the service to render it free of legal violations; or
  - c) withdrawing the service and refunding to the customer any related compensation paid, as adjusted by an adequate user fee, if we cannot effect another remedy at a reasonable expense.
- Upon our request, the Customer shall assist us with the defense against claims according to this section 7, with us reimbursing the Customer for any expenditures and costs incurred as a result, although each of the Parties bears the costs of the use of its own personnel.

  Claims the Customer may hold for legal defects expire in accordance with Section 6.4.
- Claims for damages and the reimbursement of expenditures are further subject to Section 8.

## LIABILITY

- In cases of intentional misconduct and gross negligence, we are fully liable pursuant to applicable law.
- Our liability in cases of simple negligence is limited as follows: we are liable only if and to the extent that we violated a material contractual obligation (cardinal obligation) – i.e., an obligation that (i) the Customer reasonably relied upon at execution of the applicable Order Form and (ii) was of critical significance to the outcome of performance. As regards property damage and financial loss, such liability is limited to typical and foreseeable damages; in no event will we be liable for any incidental, special, punitive or consequential damages, loss of profits or loss of data in such case.
- Our liability for damages under warranties (Beschaffenheitsgarantien) is limited to instances in which the warranty expressly includes such liability.

  Claims for the reimbursement of expenditures and other liability claims asserted by the
- Customer against us are subject to sections 8.1 through 8.3.

### CONFIDENTIALITY

- The Parties shall hold in strict confidence for an indefinite period of time all data and information materials of which they gain knowledge as part of a Contract, be it orally, in writing or otherwise, directly or indirectly, provided that such data or information materials are designated confidential or must be considered confidential based on their nature, and shall use them exclusively as part of the services covered by the relevant Order. This duty of confidentiality excludes data and information materials that:
  - a) were already known or accessible to any third party at the time of disclosure;
  - b) one of the parties legitimately receives from a third party following disclosure, and such third party is not bound by a duty of confidentiality in relations with the other Party;
  - c) must be disclosed by order of and to a government agency or another competent third party; and
  - d) must be disclosed to legal or tax advisors of the contractual customer in question for consulting purposes. In the cases of Sections c) and d), the parties shall (i) promptly inform each other about a
  - given request and prior to disclosing confidential information, and (ii) limit the disclosure of confidential information to the minimum required.
- We may use the Customer as a reference so long as no contractual details are divulged.

## 10. JURISDICTION, GOVERNING LAW, MISCELLANEOUS

- 10.1 Place of payment is Hamburg, Germany.
  10.2 All disputes arising from or in connection with any Contract between the parties shall be resolved through the courts of Hamburg. Governing law is German law.



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